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A
LETTER
ADDRESSED TO THE
GENTLEMEN OF ENGLAND AND IRELAND,
ON THE
INEXPEDIENCY
OF A
FEDERAL UNION
BETWEEN THE
TWO KINGDOMS.

By Sir JOHN J. W. JERVIS, Bart.

"Omne in Præcipiti vitium stetit." Juv.
All Crimes are at the Height!!

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MEMBERS OF PARLIAMENT IN GREAT BRITAIN AND IRELAND

ON THE

PROPOSED UNION

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TWO KINGDOMS

BY SIR JOHN J. W. JARVIS, BART.

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1801.

GENTLEMEN,

THE present is a most momentous Æra of the World. It must constitute a Period in the Annals of Time unequalled in antient or modern History—almost every Spot of the known Globe stands involved in Scenes of mutilating Confusion, severing human Confidence by Violence and Fraud, from the well-tried and established Systems of orderly Government; and substituting in their Room, the most frantic Visions of future Happiness and independent Equality, founded upon the most innovating Power of certain coercive new-fangled

Jurisdictions, whose Judgments, as far as known to us, appear subversive of all regulated Order, and whose Authority, being constituted and established upon the horrid Basis of Plunder and Murder, resistlessly pervades through those ill-fated and unhappy Countries, who have submitted or subjected themselves to the Iron Yoke, with merciless and unceasing Fury, in the Extinction of all Religion, and the Waste and utter Destruction of all Property.

In this State of Things, whilst all are apprehensive of the evil Consequences for a Time, at least, that are likely to ensue; yet there may be Room to hope that human Nature, being restored to Reason, we may be permitted to attend to the more minute Matters in Society. Under this
 Hope,

Hope, I wish to draw your Attention to a Subject of less extensive Importance than that in which the civilized World is engaged, although nearly as protentous as any that ever attracted your Consideration; because it is one that calls for your most serious Deliberation.

The projected Union is the Subject I allude to:—May I call it a Phænomenon, unexpected and of hideous Aspect.—In its Nature so destructive, that I would wish fondly to believe, even the present Times, so creative of Novelty and Reproach, could not form or bring forth a more frightful Monster. It is therefore seriously to be hoped, That the Report, though in general Circulation, is no other than the restless Yearnings of a certain Tribe of mischievous Speculatists, who range methodically

dically from Kingdom to Kingdom, for the special Purpose of destroying Confidence, and deranging Society: And although I believe there can be no Ground for such circulated Report, yet, I deem it a duty to submit my Ideas of the Measure (if it is in real Contemplation) to your Judgement. Are we not sufficiently united? Are not the Interests of both Kingdoms one and the same, and depending on mutual Exertion?—The Report, therefore, cannot but be invented and promulged for iniquitous Purposes as already mentioned; for it would be absurd to imagine, that a Minister who has shown forth so conspicuous for Ability and unwearied Perseverance in an unexampled Struggle for the Honour and Happiness of the British Empire, against the destructive Principles inculcated by an indefatigable and inveterate

terate Foe, could, for one Moment, meditate upon so pernicious a Measure, pregnant, as it must be, with every Mischief to the Realms of England and Ireland !

You will be pleased to observe, that supposing the Projection to be founded, it is possible the Event would be really productive of far greater Mischiefs to the already almost ruined Country of Ireland, than in any Position it could become to the nervous System long since established in England; because, in the first Place, England having an unrivalled Trade and Plantation Connection, has it within her present Will and Power, to restrain and counter-restrain the strenuous Efforts of any Rival-Nation, not connected with the Measures of her Finance or Government. Next, as to her Situation and Influence,

fluence, she is so far superior in Strength to her ill-fated Neighbour and nearest Relative, that, although she is bound down by every Tie of Blood and Affinity that can, or ever did subsist within distinct Kingdoms, still, in Contravention and Avoidance of obligatory Acts, does she manifestly seek, through her legislative Provisions, anxiously to claim a predominant Controul over the slender Opportunities which she has afforded, with scanty Hand and needy Distribution, to a grateful and affectionate Sister!

Why then shall any ill-adviced Measure be now judged expedient or necessary to float itself upon the public Mind and to create Alarm and Doubt to the brave, the generous and the good, who have proved themselves ever ready to devote their Lives and
Fortunes

Fortunes in aid and Sufstentation of the Prowefs of a Country, already too much enriched through a Suction of Wealth from Pole to Pole !

My laft Question induces me farther to ftate to your Confideration, that England, in point of her political Conftitution, being rendered perfect, or prefuming herfelf to be fo, would, in all poffibility, endure this innovating encroachment upon her fubfifting right of representation and Eftablifhment, with Apathy and Difmay, and of Confequence would not well endure or fubmit to an Intention, not only contrary to, but finally fubverfive of, her legislative Dignity : for prefently I fhall prove, that a well-balanced Conftitution, fuch as ſhe now enjoys, unequalled by any other, muft feel the Shock that would be occafioned through an Introduction of new Viſages,

B

whoſe

whose palms being in usage in the Realm of Ireland, might prowl about as Men in the dark, until discovered by the Minister's Wand of Surprise, whose metallic touch restores the blind to sight, as well as to other rapturous Feelings !

It is not sufficient to assert Facts, let us, from an extensive view of what has happened, and is likely to happen, seek to form a Judgment upon the future.

Upon a late lamented Event, namely, the temporary Rebellion in Ireland, the Kingdom of England did nobly come forward, in Mind and Action, to the aid and relief of their suffering brethren in Ireland.—Many of the Corps of that Militia, with peculiar and dignified Generosity, *Volunteered* their Services to
quell

quell a Rebellion, the nature and inducement to which I shall not now trespass upon you, in detail.—I am also persuaded, that supposing a like direful event should happen in England, (which may Almighty God in his bountiful Mercy prevent,) the honest Yeomanry of Ireland would, with undaunted Courage, unanimously solicit the favour of Permission, to rush forward to the dismay and defeat of any foreign or domestic Enemies in Great Britain.—I am then upon those true grounds, well warranted to pronounce, that such a national reciprocity in Arms, and federal Action, constitutes the most beneficial Union, in fact and effect, between the sister Countries.

It might be strongly urged, as fully sufficient to authorize Suspicion, of the supposed Projection, being in real agita-

tion, that it has not been yet disavowed, by any Person empowered to disavow it. Therefore the public Alarm is hourly increasing in violent Presumption; whilst the feelings of every Man, who yet remains in Possession of a fixed Property in the Country, are becoming more convulsed through apprehension and real fear, that the preponderating tokens of Vengeance, hanging o'er his Head, will be realized, through a decision against him, as endless in its duration, as the Existence of the Divinity, whom he awfully adores!

I must also observe, that it becomes incumbent and a Duty absolutely necessary upon those in Power, if they are verily acquainted with such Projection, to disclose and make known to you, who are the most interested Parties, what the *Prologue* of so novel a Proposition entertains

certains—What are the Preliminaries? What are the consolidating Truths? What are the wonderful Inducements? Who are to have and retain the immediate Benefits to result from the iniquitous Barter? Who are the momentous Nobility that offer to support it? Who are the Honourable Commoners who wish to exchange adverse Situations for temporary Quietude? What are to become of public and private Creditors? How is the capital City of Dublin to be preserved in her habitual Rights? And finally, how are the inherent Rights of a Great Nation to be preserved and handed down to Posterity, undiminished and inviolate, as we received them from the Hands of our Ancestors?

These Inquiries naturally lead us to think it expedient, in order to form a
 just

just Opinion upon this momentous Subject, that we should be first acquainted with the exact Nature of the Measure in supposed Contemplation. In short, with the *precise* Articles of Stipulation to be finally adjusted between the two Countries, as the Basis of an Union; and from our becoming in that Manner acquainted with the Minutiæ of the Measure, to form our Opinions and Conclusions for or against a Proposition of that Magnitude, which must consequently involve the Happiness or Misery of future Generations!—But I do say, that although our becoming acquainted with those several Data, may seem absolutely necessary, yet it is to be apprehended, that let whatever Stipulation be adjusted in seeming Favour of Ireland, still it would be easy, at any future Period, for a perverse Minister to violate the Contract as to the

the

the weaker Country, in order to accomplish some wicked Measure, formed in Destruction of the Liberties or Revenues of both, or either Countries. Thus all the mighty Soundings of future Grandeur and Freedom of Trade thrilling through our Ears, would vanish in Air; and therefore, such, or any Stipulation, be it ever so alluring, must be viewed by you as a delusive Fiction.

I do farther say, if any such Scheme shall be proposed, that it may be safely laid down as a Fact not to be controverted, that the main object will appear to be, the absolute *Annihilation* of the Irish Legislature, thereby to enable an English Majority, acting under the Dictum of any corrupt Minister, to overwhelm the Revenues of this fated Nation, in an irredeemable

deemable funded Debt, notwithstanding she is already sinking under a like Species of Incumbrance, brought upon her within the short period of ten Years. The Measure of a Union, be it proposed when it may, cannot ever originate amongst, or come forward from, the real Friends of Ireland—It must derive its Strength in the Councils of a British Cabinet. As that grand Object can have nothing in view but an unbounded Influence over Ireland, it must manifestly appear to the weakest Understanding, that the *utter Extinguishment of her parliamentary Jurisdiction* will be the principal Aim and Object of Stipulation; and, in this Acquisition, would all other subordinate Considerations instantly merge. Here would end Ireland's Security, and with it her Consequence!

Having

Having premised thus much upon a Subject, which I still flatter myself will never be agitated, even by the most hardy, it may not be either improper or improvident, (lest it should make its Appearance,) to proceed in our Examination of so important a Question; and in order that we may come as close as Presumption will permit, let us, for one Moment, turn our Eyes to a Precedent, likely to be copied as the Ground-work of a similar Superstructure:—I mean the *Scotch Union*.—Upon this Occasion, a few Representatives of that Nation were transferred to the British Senate;—and thus she lost her Legislature!!!

In that Respect, the Union with Scotland would be literally followed, and a Portion of the quondam Representatives of Ireland (as they might then

be called) be *wasted* over to England, thus at once to repose in the Hands of Englishmen, equally ignorant and regardless of Ireland's Wants and Situation, an unlimited Power over her landed and monied Property:—This therefore, being the first great Article that the Proposers of an Union would have in Contemplation, on it we may rest all the principal Mischiefs that such a grievous Circumstance as the Destruction of the Parliament of Ireland would be replete with to both Countries.—Who will tell me, that by the Death of the Parliament of Ireland, her House of Lords and her Commons-House, she would not lose two of her Estates out of three? Two of the integral Parts of her dearly valuable, and wonderfully nice Constitution?—Her *English Constitution*—*the Work of Ages!*—Her
Legis-

Legislature, one Part of which holds the Balance between the Crown and the People, and maintains distributive Justice between Man and Man, as judges in the last Resort, whilst the other, through its vigilant Care, protects the Purse of the Nation from the Attacks of every venal Minister. Destroy those two Branches of her Constitution, and the beautiful Fabric is in Ruins !!

This Circumstance, above all others, arising from this hated Measure, when duly considered, must particularly arrest your Attention; for to preserve this *great Barrier* of Society, the brave Yeomen of that Country did come forward with the last drop of their Blood, alike protecting every Branch of her constitution, as being all equally valuable and indispensable—*Her King—Her*

Lords—and her Commons—and mindful of their own personal Danger last of all!—Are they then to have this Barrier wrested from them, after having vanquished that desperate Party, who with *Lethal-intentions* to a matchless Constitution, dared to attack this *her Barrier* for the Purpose of overwhelming, in one common Destruction—*Her King—Her Lords—and her Commons!*—No, Gentlemen, it cannot be; they have proved themselves too deserving of its Protection.

Much, however, as this Despoliation would ruin the Constitution of Ireland, it would add nothing to the Prosperity of England; nor would the Gentlemen of the latter Country, (as living under a similar Constitution to that which Ireland boasts to enjoy,) wish to see a People so closely connected

ned with them, as they are, in every Respect, deprived of that Barrier of Life and Property by which themselves are protected!—Yet a UNION could not be without this Infringement!

Now behold the sad Train of Consequences, such a melancholy Circumstance would drag along with it. All who have their understanding must perceive, at once, that when the few Representatives of Ireland, would be *transported* to England, they would, either *naturally* or *artificially*, as being the *Minority*, fall into the *Majority*.—It certainly would be in vain for them to attempt offering any Argument or reasoning against the *will*, or, as it might be called, the *fixed Opinion* of British Weight!—They could have no Influence against such a *Majority*, as would
at

at all Times be brought forward, and would ever prevail in Matters of Opinion, as well as Interest. — A Majority that would ever be for leaning hard upon *degraded Ireland*; for it is clear, that if any thing could induce those in Power at the English Side of the Water, to wish for the irrevocable Measure of a UNION, of Legislatures, between the two Countries, it could only be with the Prospect of unjustly obtaining Supplies, by draining Ireland, without having to call upon England. — Would it not be in the Power of a baneful Majority, headed by a scheming Minister, at any Time to demand a Subsidy from Ireland, at the Point of the Bayonet; when neither the Scheme would be approved of, nor Supplies to be obtained from England? It would be impossible upon such an Occasion, for the

the few Representatives of Ireland, (even though they were disposed to act as one Man, in Support of the Rights of their Country,) to resist a Torrent that would carry every thing before it; notwithstanding a part of such Majority might even be composed of Men who should be so short-sighted, not to see it would be against the future Interest of England, to monopolize the poor Earnings of Irish Industry, for the temporary Object of saving the British Purse. Nor will it admit of a Question, that the sole View of the Proposers of such a *provincializing* System, would be to facilitate a Road to Irish Spoil, and thus to acquire a momentary Consequence, by squeezing the Vitals of that Country.—And here we may add, that let what would be the Object of such a *stripping Power*, and though it would be inconsistent with sound Policy,

by

by *crushing Ireland* in this Manner, even the British Empire would severely feel the Shock.—To tax Ireland, would become *the Order of the Day*—that abominable Soil—that Country which the English have always been taught to look at with distaste, would not then be spared; nor is the Idea an unnatural one, that Mankind being ever prone to shift the Burden off their own, upon their Neighbours, Shoulders, Ireland, though the weaker, would be made the *pack-mule* on every Occasion.—Thus Ireland becoming deprived of her Power of Control over her Finances, nothing would remain to her of an admired Constitution, save the *Executive* Branch; inasmuch as the other Scale, together with the Hand that poises the Balance, being cut off, her envied and glorious Bulwark of civil Society would crumble away, and vanish for ever!

Thus

Thus, Gentlemen, would the Government of *both Kingdoms* become completely absolute, if it was not to be dependent on the *Liberality* of the People; for we may say with De Lolme*—It is still from the Commons of England possessing this *powerful Weapon*, that the Monarchy is limited; but if the Government had this uncurbed Power of obtaining Subsidies from Ireland, either by direct or indirect Force, the boasted Check would be for ever lost to both Nations, for Government would not have to call upon the *Liberality* of the People of England:—This would be the Loss of a Power which the same Author importantly describes, where he thus expresses himself—“The Right
“ to grant Subsidies to the Crown,

(* Ch. 6. p. 74, 75.)

“ possessed by the People of England, is
 “ the Safeguard of all their Liberties, re-
 “ ligious and civil : It is a regular Means
 “ conferred on them by the Constitu-
 “ tion, of influencing the Motion of the
 “ Executive Power, and it forms the Tie
 “ by which the latter is bound to them*.”

But a UNION, by enabling the Mi-
 nister to form any Majority he pleased,
 or by enabling him to exact Subsidies
 from Ireland, would enable the Crown
 to render itself independent on the Eng-
 lish Commons, in regard to its Sup-
 plies, by forming in this Way a Di-
 vision, which would be the likeliest
 Mode in the World of stripping the
 English of this valuable Gem of their
 Independence, or Appendage of their
 Consequence, and is held forth by
 De Lolme in the following Words :

(* Ch. 20. p. 513.)

(in

(in speaking of the Danger of the People of England losing their Privilege by a Division of this Right,)—" Another Division of the Right of the People, much more likely to take place than those just mentioned, might be such as might arise from Acquisitions of foreign Dominions, the Inhabitants of which should, in Time, claim and obtain a Right to treat directly with the Crown, and grant Supplies to it without the Interference of the British Legislature *."

I have already stated, that the *nominated Representatives* of Ireland would be unable to stem the Torrent of British Weight, although they might be inclined to do so as one Man:—I shall go farther, and say, that it is

(* Ch. 20. p. 522.)

most certain that those very Men, from the novel Situation they would find themselves plunged in, would become ready and willing to betray and neglect the Trust reposed in them by their Constituents; their necessary *long Absence* from Ireland, would lead the Way to their forming new Alliances and new Interests: this, while it would render their new Residence attracting, would tend to efface from their Memories and Estimation, the true Interests of that Country they might suppositiously be presumed to represent.

Thus would they soon come to be unmindful of the Charge reposed in their Hands, notwithstanding that a vigilant Discharge of their duty in that Behalf, could be the only Return in their Power to make to their Country for confiding so important a Trust to their Care:—But as they
would

would have *their Seats secured for Life*, which would completely answer every Purpose for them.—Indeed, as they could have no *real* Influence in the British House, it would be ridiculous for their Constituents to trouble themselves concerning them; for whatever Laws, urged by *Whim or Interest*, British Legislation chose to frame, could not be demurred to. Hence even the Sentiments of the most Loyal could have no Weight, either through the Representative, or with him; for the Power of Election, as well as all Check over the *nominated Member*, being pulled from the Hands of the Constituent, but which has oftentimes proved to be beneficial, would be no more, and with it would go *the Wealth and Happiness* of the loyal People of Ireland—nor could that Applause which has ever followed a faithful Discharge of
Duty,

Duty, as it then would be either unheard or unnoticed, be any longer a Mode of rewarding Members for good Conduct, as a powerful Incentive to induce the Representatives to adhere to the Interests of the Kingdom, in Preference to Self-aggrandizement.—Thus, it is evident, there could be no Room to hope, while there would be much Reason to fear, that the Representative would readily come to overlook, and be regardless of his Country's Welfare; nor is this all, for it would naturally make the Way easy to still worse Conduct—to studied Acts, diametrically opposite to their Country's Good—and thus would they readily fall into the crafty Designs of any prodigal or profligate Minister, (for however I may admire the English Constitution, I cannot presume that it is to make all Men
equally

equally just and wise,) that might unfortunately come to be at the Head of Affairs.—They would, in short, become Instruments within the Reach of such a Man, to assist in any dirty Work, and to be served up as a *standing Dish* on all Occasions, to the very great Discomfiture and Annoyance of the honest English Members, contrary to the Spirit of the Constitution of England, and the just Distribution of all its Parts, and thus no less injurious to the Privileges of Englishmen, than those of Ireland.

But to take one more View of Scotland and her UNION, of which much has been attempted to be said, by Way, I suppose, of analogical Argument, although she was differently situated both in Point of Territory and other adventitious Circumstances ;
let

let us, however, dwell for a little on that fancied Model.

When we consider what was the real state of that Country, at, and long before, her UNION with England, we must say there can be no Comparison, nor should she be brought as a precedent now.—She could not have been deemed an independent Country as Ireland; and, indeed, nature seemed to intend she should not.—Yet as to her Situation at this moment, what must be said?—Why, that of two Evils, though she may have chosen the least, territorially situated as she is, she has no weight, nor could she carry any one point in opposition to the Legislative Assembly of England, even though her Salvation was at Stake!—We must therefore admit, that nothing can compensate for the Degradation she has suffered by her

her Union with, and Surrender of, all her legislative Rights to that Country, save the *Peace* and *Quiet* she has so *dearly* purchased!

Circumstanced as Scotland was territorially, with a powerful Neighbour, whose Armies having only to step across the Tweed, that Country could never deem herself secure from Attack, had she not come under due Subordination by a Union, and with it, a Relinquishment of all her important Rights; since which Period, although Edinburgh has extended its Limits beyond the Pale of a *confined Hill*, upon whose Summit stood her strong Fort and Watch-Tower, around which her crowded Inhabitants thought themselves safer than in the surrounding Planet.—Yet nothing can, to my Understanding, vindicate those (now

no more), who suggested and aided the Scheme, save the putting a Stop to the perpetual Attacks that were to be daily dreaded from her *Southern* Neighbours, thereby securing, at least, the Peace and Safety of her People.—The Advantages to be derived from Peace and Quiet, were, no doubt, deemed, (without having recourse to Bribes,) far preferable to that State of predatory Warfare, that, to this Day, Scotland might have been subject to, had no such Incorporation taken place.

The UNION, therefore, had a happy Effect, in *conciliating* the two jarring Kingdoms; and although the *one* lost her Legislature, yet from the Territorial Contiguity of *both*, there is no great Danger of the Parliament of England dealing unfairly with Scotland, for the Passage of the Tweed is as free to
the

the *now* Northern, as to the Southern Britons.—To keep Ireland down would, however, always be deemed necessary, to make her yield to the frequent Burdens with which she would be loaded, not being so easy of access as Scotland; nor would there be any Thing to fear from her crossing the Irish Channel. Permit me now to observe, that I have merely alluded to the *Scotch Union*, to shew that her Legislature was, upon that Occasion, merged in the Vortex of English Power, and not to draw any inference therefrom, as, with Submission, I conceive the same to be irrelevant to the present Question——But to return to Ireland.

Ireland is a Kingdom of no trifling Extent; and, prior to the late Rebellion, was advancing with rapid Strides towards Improvement, notwithstanding

the many Checks she had from Time to Time received, from the Jealousy of her Sister Kingdom, both in Manufacture and Commerce; and thus while she has been of immense Service to the latter, by the unlimited Importation, and Consumption of her various Productions, without having ever experienced any thing like Reciprocity.—What, therefore, must she not expect to be faddled with, were she at the *sole Mercy* of her Elder Sister?

Ireland, divided as she is from England, can be subject to no *Inroads* from her Eastern Neighbours. — They have, by friendly Visits, troubled her very little *indeed*, — and consequently know nothing either of her State, or of her Wants.—Happy is it for her, and I trust for your Sake, and of the British Empire, that she has her own distinct Parlia-

Paliament, and a Parliament too that has, from time to time, framed for her most wholesome Laws.—In short, she cannot find it expedient or necessary to furrender that Bulwark, of every thing that is great or good, for to purchase Security from hostile Inroads!

When Rebellion did raise its Hydra Head against the best of Monarchs, and an envied Constitution, (envied because the nefarious find it a Shield against constructed Devastation and Murder,) her gallant Sons, the Proprietors of her Soil and Wealth, with determined Loyalty, and undaunted Courage, came forward and crushed it.—They proffered their Blood, and their Treasure—for what? For the Protection of their King, their Country, and their Laws.—And are they now, as a
 Reward

Reward for their Courage and their Loyalty, to have those Laws surreptitiously taken from them ?

Thus did Ireland, from her Activity and Spirit, call forth a Force, which, without having recourse to foreign Aid, was sufficient to curb the many-headed Traitor.—Nor had she been backward within the Walls of Parliament in voting, and without its Doors, in subscribing pecuniary Aid, during this unparalleled War of Aggression, on the part of a frantic Foe, for the purpose of repelling his several Attacks.

After this Digression, allow me once more to turn your Attention to the main Point in Question, and ask whether the Annihilation of the Irish Parliament, as already described, would not be a sufficient Proof of the *ruinous* Tendency
of

of a UNION between the two Countries, without which it could not be.—Here lies the Bane of the Measure; for with whatever glare of colouring the Proposition may be blazoned, still “*Latet Anguis sub Herba;*” and any Bargain that might be made, as to a Right of Representation, must be considered as a *mere Delusion.*

Permit me, Gentlemen, to go still farther, and say, it would be better for Ireland, could she make such surrender of her Privileges, to pretend to no Right of Representation whatever, as, in that Case, no *vain* Expectations could induce honest Men to venture their Capitals, in uncertain Undertakings; and those who might otherwise be the *quondam Representatives*, with their Followers, would stay at home, and by their Money and their Presence, encourage the Cultivation of her
Lands;

Lands; for, under the specious Appearance of Representation, she would have none in fact. If the Kingdom could be viewed, on that Occasion, even as Scotland, or be as certain of Security as Yorkshire, then we might consider the paucity of Representatives a Matter of no great moment; but as a UNION can be desired for no other Purpose than to put the Minister above the *Liberality* even of the *English Commons*, a strong Party in that House, independent of the Irish Members, inclined to shield Ireland, would be the only Means of Security.—This, however, is not to be expected; for as it is to obtain a *Party*, independent of the English Members, that the Acquisition of Irish Force is sought for, so they would, with some others, become the very Persons paramount to the faithful Commons of England, as alluded to in the following

Words

Words by De Lolme—" If any other
 " Persons, beside the Representatives of
 " the People, had a right to make an
 " offer of the Produce of the Labour
 " of the People, the Executive Power
 " would soon have forgot that it only
 " exists for the Advantage of the Pub-
 " lic *."

While thus it is manifest, that both Countries must be led to the Brink of *Ruin*, by such a Debasement of *public Rights*, it cannot but appear also that both would suffer extremely by the *private Rights* of the People of Ireland, now fully protected by her House of Lords, as *Judges in the last resort*, coming to be finally decided upon by the English House of Peers, whither her appellant Jurisdiction, along with a few of the Members of her Supreme

* Chap. 1. p. 85.

Judicature, would be moved to.—I particularly allude to the Right of Property.

This Inconvenience would give a severe blow, indeed, to her Hopes of farther Improvement.—No Man could be sure of a fair Investigation of his just Claims. Hence I may ask, would not this materially check her Progress in Commerce and Manufactures, if not totally destroy all Attempt that way?—Would not this be a necessary Consequence from the belief that private Property was no longer secure?

In this way one of the principal *private* Rights of Individuals, being *Property*, would come to be in a very precarious State truly, independent of the Attacks on it in the way of Taxation. If England has flourished from the very Reverse,

Reverse, each Individual being sensible of his exclusive Right to enjoy the various Fruits of his Industry, why should Ireland prosper without this security? *Quod rectum, rectum est*—may be the Answer of some, but in order that any should impress you, Gentlemen, with the Idea that a great Mischief would not follow such an innovation in the Upper House, *the Judges of Ireland in the last resort!*—let them, in denying my Position, prove their Premises. But I say, by this would be lost the Check, which the Individual now has a Power of bringing against the corrupt Decisions of any future Judges who may come to preside in our inferior Courts; for, while the Remedy would come to appear uncertain, the Search after it would be worse than the Disease.—The *Levity* of Judges, when convinced

that there was no effectual Mode of doing away their light Decisions, might very likely become frequent; for, although Man, when properly curbed, becomes a very rational, honest, and harmless Animal, yet if not chained down to some Rule of right Reason, may be expected to become quite the reverse: And though the Judges of the Land are, under the present Constitution, a very upright Body of Men, and *deliberate* in Decision; yet it is to be feared, that when the Restraint was removed, a Departure from such necessary and praise-worthy Conduct might in time creep forward into Usage, to the irreparable Injury of those seeking an impartial Distribution of Justice; nor has this Dereliction of Justice been unfrequent in the World.

De Lolme,

De Lolme, in speaking of the Judges of antient Rome, adds thus—“ Nor were
 “ the Roman Magistrates satisfied with
 “ committing Acts of Injustice in their
 “ political Capacity, and for the Sup-
 “ port of that Body, of which they
 “ made a Part : Avarice and private
 “ Rapine were at last added to political
 “ Ambition *.”

On a Deprivation of the Irish Judges Right to sit in Parliament, there may be Room to presume, that the Loss of the political Influence which they now bear, must be compensated for in some other Respect. — It has been deemed, that the Increase of their Salaries, and the Tenure under their Patents being enlarged to a Term of Life, have constituted a sufficient Security for their

* Chap. 16. p. 350.

strictly

strictly attending to a due Administration of Justice; but as the Provision should be to guard against the worst possible Case that might occur, every Care should be taken to prevent future Mischiefs. The Irish House of Peers having recovered its Appellant Jurisdiction, uninfluenced by any other Body, whilst it is deeply interested in the Property of the Kingdom, and being the *supreme Court* of Judicature, provides this Remedy: But *è contra*, if a few of the Members of that House became immersed within the Control of a more numerous Body, not so much interested in the Property of Ireland, and therefrom liable to be led astray in their Decisions—where, then, would be the Remedy?

Here

Here I would subjoin one Remark— That, although the Example of Scotland has been so much relied on, it cannot, in this Place, be pawned upon you ;—For the Laws of Scotland differ so much from those of England, that the Judges of the latter, much less the Peers, can pretend to no Control over the Peers of the former ; and, therefore, the Peers of Scotland become the *real* Judges on *Appeal*. But the same Observation cannot hold as to Ireland, for the English Peers would, from the Similarity of English and Irish Laws, be always deemed competent Judges to decide on Questions touching *private* Property in Ireland, and therefore the Peers from Ireland become, at least, indirect Countenancers of *Injustice*.

In

In this Manner the *Assurances* of the Realm would become uselefs, and the Effects form a Parallel to the Trefpaffes described by De Lolme as touching Roman Judges at a certain Period, in the following Words——“ The
 “ Laws and public Judgments not only
 “ thus failed of the End for which
 “ they had been established : They
 “ even became, at length, new Means
 “ of Oppreffion added to thofe which
 “ already exifted. Citizens poffeffed
 “ of Wealth, Perfons obnoxious to particular Bodies, or the few Magiftrates who attempted to ftem the
 “ Torrent of the general Corruption,
 “ were accused and condemned* :” —
 In this Way the Properties of individuals might come to be at the Mercy of *Avarice* or *Caprice*, and well-

* Chap. 16. p. 353

framed Laws be rendered of no avail.—
 Here, I am convinced, you will ex-
 claim after the Manner of the antient
 English Barons—“ *Nolumus leges Hiberniæ*
 “ *mutari!*”

As the Upper House of Parliament in
 that Country now stands, we may still
 dwell on De Lolme, and say with him—
 “ In the Exercise of their judicial Autho-
 “ rity, with regard to civil Matters, the
 “ Lords have manifested a Spirit of
 “ Equity, no wise inferior to that which
 “ they have shewn in their legislative
 “ Capacity. They have, in Discharge
 “ of that Function (which of all others
 “ is so liable to create Temptation) shewn
 “ an Uncorruptness really superior to
 “ what any *judicial* Assembly in any
 “ other Nation can boast; nor do I think
 “ that I run any Risk of being contra-
 “ dicted,

“dicted, when I say that the Conduct of
 “the House of Lords, in their civil ju-
 “dicial Capacity, has constantly been
 “such as has kept them above the Reach
 “of even Suspicion or Slander*.”

But on a Surrender of her Peers, Ire-
 land could not make this Boast, for it is
 next to a certainty that no Cause would be
 fairly decided; beside, the Expence would
 render the Reference to the Supreme Ju-
 risdiction in England, (by which to ob-
 tain final Justice, if thus it could be ar-
 rived at,) a Thing almost unattainable.
 —Thus this great *Sanctuary* against the
 Caprice of a single Judge would be for
 ever lost.

You certainly will allow there is no-
 thing more indispensably necessary for

* Chap. 16. p. 374.

the well-being of Society, nor any Thing more productive of Improvement in a Country, than that the Property of Individuals should be thought *secure*; but to this End Justice should be administered with an *equal Hand*, as also be dispensed at an *easy Rate*.—So different an Effect would such an UNION have, as involving a Loss of the Upper House of the Irish Parliament, that you will readily admit the Decision of Causes on Appeal would be very *partial*—It would, at least, be very *Expensive*!

From hence, Gentlemen, you must see, that on a UNION, the *Public* and *Private* Rights of Ireland would, in every Respect, be at the Mercy and Disposal of a Party—A Power, I am conscious, the Friends to either Country could not wish to see created, as both Coun-

tries would have to dread the Consequence.

Having said thus much as to the Effect of those political Innovations, I must add another Proof of the Injury the two Kingdoms would experience from the Annihilation of the Irish Legislature—but at the same Time I must allow, that what I am about to state, although of immense Importance, is, as well as many other Points, of a subordinate Kind, compared to the foregoing—I mean the Destruction of that *Spur*, to Exertion and Industry, by which alone Commerce and Manufactures, (the Sources of the Wealth of Nations) are brought to Perfection; and this, by lessening that Appetite for Distinction, which Men may now arrive at, by acquiring a Seat among the Representatives of the People.—It is at present,
in

in both Countries, an incentive to useful Activity, and operates forcibly in promoting important Researches through literary Improvement.

But upon new modelling the Constitution in the manner pointed out, none who are confined to *active* or *useful* Employments could be among the Number of the *chosen-few*—These could not spare to spend a Year in London—the Presence of the great *Manufacturers*, *Merchants*, and *Lawyers*, is necessary at home—Thus all those must be excluded, and of course deprived of a favourite Object, which, otherwise would serve as a Reward for their Affiduity and Labour.—I am sure you, Gentlemen, cannot relish so new-fangled an Experiment!—The Gentlemen of Ireland cannot, and *Fellow-feeling*, at least, forbids those of England—conscious that
they,

they, themselves, could not endure to be deprived of such a *Right*:—I must here ask, whether it be not a thirst after Distinction and Fame, implanted within the Breast of Man, that rouses him to those Exertions which tend to the Improvement of the Arts?—I do believe that this Desire Operates more universally and forcibly than the sordid Idea of hoarding up in Coffers; which latter, we find a very rare thing. If, then, this very praise-worthy Ambition is clogged, the Progress towards Improvement in the useful Arts is checked; and I do believe, that Man, in such a State of Things, would have no other Idea than to merely exist. On the contrary, why does the Merchant or Lawyer labour for the greatest Part of a Life, but to arrive at Distinction, by being honoured with a Seat amongst the Representatives of the People?

People?—Hence this may be esteemed a very great Spur to Commerce and the Arts—but take away this *Stimulus*, and you destroy the energetic Spirit; nor would Ireland alone suffer by this, for her consequent Decrease in Wealth would be severely felt by England, as the latter must ever acquire additional Weight in the Scale of Europe, from the increased Wealth of the former;—a severe blow to the future Consequence of Great Britain, notwithstanding the temporary Benefit it might be fancied to derive, from a Minister being able to raise the Sums he wanted off Ireland, without having to apply to the *Liberality* of the Parliament of either Country.—It is true England would no longer have to dread Ireland becoming her Rival in Commerce and Manufactures, but she would have to lament the want of her very powerful Support

Support as an Ally in Time of War, and of her Imports in Time of Peace.

I have, Gentlemen, submitted, for your Consideration, the *horrid Idea* I entertain of the Measure of such a UNION, as affecting *both* Countries.—It now only remains to point your Attention most particularly to one very important Consequence, immediately affecting England, but which would in the End spread its baneful Effects to all those Countries and People that are under her Sovereign Power—I mean neither more nor less, than the *total* and *radical* Destruction of her *Glorious Constitution!*—This would be a loss which would reduce her People, and every Thing along with them, to a state equally degraded as Ireland—This right of granting or withholding Supplies would be alike despised; for
on

on such a UNION taking Place, *Ireland* would be at all Calls bound to supply the Demands of the Minister; and thus the *Power* of the *Crown* would be raised to an unexampled Pitch, at once destructive of the *Balance* of the Constitution, and the noble Fabric itself! — Consider the Danger of such an *extensive* Power in the Hands of a Minister, and also how seldom such an unknown Power has been wisely directed. — You will readily behold, in this Acquisition of *ministerial* Influence, the *Loss* of that most valuable Part of your *Bill of Rights*, which gives to the People of England a *full Power* of curbing the *Exploits* of a Minister, by a *refusal* of the Means to carry them on, and finally an Establishment of absolute Sway.

What might not be the fatal Consequence of a pernicious Direction of this increased Power, it is impossible to say—surely a Country like England, whose *proud Elevation* amongst other Nations has grown out of a *well-poised* Constitution, could not relish a Scheme of this Kind! We have had a sad Example before us of the fatal Consequences of Despotism.—In France we have beheld all the Miseries of a Civil War—The *People of England* have heard enough of the sad Disasters which have followed a *too-distended* Power of the *Crown* under a *Stuart*.—And they have learned from their Ancestors, the Necessity of holding the *Purse of the Nation!*—A Power that would no longer remain, was the Wealth of Ireland to be squandered away at the Pleasure of any Minister.

How

How many, even in the present State of Affairs, have found fault with the increasing Power of the Minister—The late and present Times certainly justify much Energy—But although all were now most fully to agree, that the several Branches of the British Constitution *are now well balanced*, you cannot, however, hesitate declaring, that a UNION with Ireland, on the foregoing *broad Basis*, would most certainly *destroy* that Balance, and that the Power of the *Executive Branch* would then be too great.

In favour of the Measure as to Ireland, it has been vainly held out, that English Capital would flow into the Country—Irish Capital would flow out of the Country in every Shape, and daily diminish with declining Industry. It seems extremely absurd to think,

that Englishmen would leave their Country and Relations to which they are particularly attached, and under whose Constitution they might expect some Protection, to go to a Country where they could have no such prospect.—At no Time have the English been inclined to *emigrate* from their antient Home—They have not ran to Scotland, though the latter have to England—Yet if any Thing could induce an industrious People to wander from Home, Scotland affords many Inducements—She abounds in Fuel—Her Laws are simple and strictly enforced, and her People are honest and well informed, There are none of those Inducements in Ireland.

It has also been fancied (and mere Conjectures should prove no Reason for the Surrender of substantial Acquisitions)

sitions) that by a Union, of which the principal Features are a Loss of Ireland's Parliament, and a *draining* Power reposed in the Hands of a Minister, the *Spirit of Rebellion* would be crushed. Surely, Gentlemen, there appears nothing in such a *disuniting* Measure that could tend to produce such an Effect, if it should appear not to be already silenced for ever.—The gallant Yeomen in Arms, aided by the native Troops of Ireland, have put down the late Rebellion, and, with the Assistance of Providence, will again, if ever it should rear its *Bristly-head*—The Authors of it have paid severely for their criminal Audacity and Folly—their Followers have, no doubt, seen their Error, and we may, in their name, say with Milton—“Thrice happy if they know
 “ their Happiness, and persevere up-
 “ right.”—But should there be any
 amongst

amongst them so foolish as to wish for a Republic, in order to pull to Pieces so glorious a Fabric as their Constitution—If there be any *who wish* to make those Wounds (so happily inclined to heal) bleed afresh, let them, I beseech, look into the History of the Civil-Wars in the Time of Charles the First, and after, so fully described by the great Clarendon, at the Conclusion of his History in the Words following:—

“ In this wonderful Manner, and with
 “ this incredible Expedition, did GOD
 “ put an End to a Rebellion that had
 “ raged near *twenty Years*, and been
 “ carried on with all the horrid Cir-
 “ cumstances of Murder, Devastation,
 “ and Parricide, that Fire and Sword,
 “ in the Hands of the most wicked
 “ Men in the World could be Instru-
 “ ments of; almost to the Desolation
 “ of two Kingdoms, and the exceed-
 “ ing

“ ing defacing and deforming the
 “ third ;”—to which ; as to the Irish
 Rebellion, we may add the following
 Words of the same Author as applica-
 ble to the Year 1798 :—“ So ended the
 “ Year 1648, a Year of Reproach and
 “ Infamy above all others which had
 “ passed before it ; a Year of the highest
 “ Dissimulation and Hypocrisy, of the
 “ deepest Villainy and most bloody Trea-
 “ sons, that any Nation was ever cursed
 “ with or under.”

As to religious Controversy, it can
 prove nothing tending to the necessity
 of a *Relinquishment* of parliamentary and
 other Rights ; for it is entirely done
 away by the Introduction of Irreligion,
 and the Destruction of Papal Influence,
 which has been declining for many
 Years, and received its *final* Death-
 wound in France, there assailed by the
 Hands

Hands of its Followers.—Thus the Root is gone, and the Branches must follow of course—So that if a rebellious Spirit exists with any in Ireland, it must be traced to some *other* Source, not to be done away by a Union. The example of *licentious France* is the true Fountain-spring of Rebellion against the Government.—To *plunder*, and in order to accomplish that End, to *murder*, have been the criminal objects of the late Rebellion.—To support the Constitution, is the only mode of preserving *true Religion*, the Want of which has been the cause of many Mischiefs.—There is no Calamity that stands more in need of a Cure:—It is in Truth a peculiar Calamity, fallen most heavily on this Age, which, while it takes its Rise from the Corruption of those Times, and has monstrously increased since the *French Revolution* amongst

amongst a certain *Party*, has produced a bare-faced Contempt and Difuse of all Religion whatsoever, save some small outward Appearance.—With those even the Shadow of Godliness and Virtue is fled—Atheism and Prophaneness, diligently cultivated, have not failed to produce a Prostitution of *all* Manners in Contempt of *all* Governments.

This it is, that may be productive of Disturbances in Ireland; but such may very reasonably be expected to meet a similar Fate with those lately suppressed by a gallant and loyal Yeomanry and Soldiery.

Say not, Ye therefore, who vaunt of the Measure, that Scotland, or any other Country upon the face of the Globe, can be held forth as a *Proof* of the Expediency of a Union with England and Ireland: for as

each differ, in Point of *Time* and *Place*, there can be no Similarity.

Say not, that by a Union they would consolidate their present Legislatures into one, for their present *checking* Power then coming to be lost, all *legislative Essence* would vanish.

Say not, that *Articles* of Union would avail, for they could either *directly* or *indirectly* (no matter which) be swerved from, at any time.

Say not, that the Power of the Crown would acquire no *preponderating* Weight through a Union, for the *Liberality* of the People of England would not then be *solicited*.

Say not, that Justice would then be *fairly* and *freely* administered to Ireland, for her

her

her *Judges in the last Resort*, namely, her *Peers*, would become merged and out of reach, and thus Justice be unattainable!

Say not, that by a Union, Irish Manufacture and Commerce would be advanced, for no Man would, then, lay out his Capital on so *precarious* a Tenure!

Say not, that *English* Capital would *flow in*, while *Irish* flowed out; for as the English have never *flocked* to Scotland, abounding in every Inducement, they would not *flock* to a Country, where their *Winnings* would be plucked from them, at the *Nod* of a Minister, while still they are untrained to wandering.

Say not, that the Strength of England would remain undiminished, for

by a Depression of Wealth you would take from Strength.

Say not, that the Spirit of Industry in Ireland would not be lessened, for you would deprive the People of the greatest Spur to Industry, by *shutting the Doors* of Parliament against the *most* useful Members of the Community.

Say not, that Absentees would be beneficial to Ireland, for her quondam Representatives, with their Followers, alone would carry 1,000,000l. annually out of the Country!

Say not, that Rebellion, or fancied Disputes of Religion, can furnish any just Pretence for a Union, for the gallant Sons of Ireland have, and at all Times will, stand forth to quell it.

Say

Say not, that it is necessary to strengthen, in this Way, the *Hands* of the Empire ; for while acting with *Heart* and *Hand*, England has a most powerful Support in the Yeomanry Troops of Ireland, and in the voluntary Contributions of her People at large.

Say not, that if the Irish Catholics are as *three to one*, they are therefore a dangerous Body in Rebellion ; for it does not appear that a Union would quiet them, the ill-affected of that Persuasion being merely of the *lower* Orders, and urged by *Republican* Principles, as fully proved by their Leaders being principally Democratic Protestants.

Say not, that it is merely the Gentlemen of the Bar object, because they, as being Men of liberal Education, are *well qualified*, and *justly* relied upon, for their
unbiassed

unbiassed Opinions on so difficult and extensive a Subject.

Say not, that any Man's *Dictum* should stand in favour of a UNION, for it is the self-evident Expediency of the Measure that should alone have Weight.

Say not, that Land in Ireland would retain its Value, for an UNION, by producing a Decrease of Wealth, and general Insecurity of Property, the Value of Land must necessarily be diminished.

But *rather* say, that England would not be willing to surrender, on such an Occasion, *her Public and Private Rights!*— And *why*, in the Name of *Reason* should *Ireland?*

Cease, then, ye declaimers, in favour of a Measure, that you must see, whilst you
have

[71]

have *studiously* avoided touching upon the Subject of *Taxation*, would plunge both Countries into an Abyss of Misery !

I now have the Honour to subscribe myself,

Gentlemen,

Your very obedient,

Humble Servant,

JOHN J. W. JERVIS.

Dublin,
15th Dec. 1798.

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